UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Linda Leisure,

Plaintiffss,

v.

Case No. 2:05-cv-01123
JUDGE SMITH
Magistrate Judge King

The Franklin County Court of Common Pleas, et al.,

Defendants.

ORDER ON RICO CLAIMS

This case includes claims made under Title IX of the Organized Crime Control Act of 1970, 18 U.S.C. § 1961 et seq, commonly referred to as "RICO" claims.

The Court directs any party who asserts a RICO claim to file within thirty (30) days after the date of this Order a "RICO Case Statement." This statement shall include the facts upon which the party relies in asserting the RICO claim as a result of the "inquiry reasonable under the circumstances" required by Fed. R. Civ. P. 11(b). In particular, the statement shall be in a form which uses the numbers and letters as set forth below and shall state in detail and with specificity the following information:

1. Whether the alleged unlawful conduct is in violation of 18 U.S.C. §§ 1962(a), (b), (c) and/or (d).

2. List each party against whom a RICO claim is asserted, and state the alleged misconduct and basis of liability of each such party.

3. List all alleged wrongdoers, other than the parties listed above, and state the alleged misconduct of each such wrongdoer.

4. List the alleged victims and state how each victim was injured.

5. Describe in detail the pattern of racketeering activity or collection of unlawful debts alleged for each RICO claim; a description of the pattern of racketeering shall include the following information:

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a. List the alleged predicate acts and the specific statutes which were allegedly violated;

b. Provide the dates of the predicate acts, the participants in the predicate acts, and a description of the facts surrounding the predicate acts;

c. If the RICO claim is based on the predicate offenses of wire fraud, mail fraud, or fraud in the sale of securities, the circumstances constituting fraud or mistake shall be stated with particularity, Fed. R. Civ. P. 9(b); identify the time, place and contents of the alleged misrepresentations, and the identity of persons to whom and by whom the alleged misrepresentations were made;

d. State whether there have been any criminal proceedings for violation of any of the predicate acts, the courts in which such proceedings have taken place, and the results of any such proceedings;

e. State whether any related civil cases are pending, indicate the court in which any such cases are pending, the current status of the cases, and whether such civil litigation has resulted in a judgment in regard to any of the predicate acts;

f. Describe how the predicate acts form a "pattern of racketeering activity"; and

g. State whether the alleged predicate acts relate to each other as part of a common plan; if so, describe the plan and the relationship in detail.

6. Describe in detail the alleged enterprise for each RICO claim. A description of the enterprise shall include the following information:

a. State the names of the individuals, partnerships, corporations, associations, or other legal entities, which allegedly constitute the enterprise;

b. Describe the structure, purpose, function and course of conduct of the enterprise;

c. State whether any individual parties are employees, officers or directors of the alleged enterprise, and indicate their titles;

d. State whether any parties are associated with the alleged enterprise;

e. State whether you are alleging that the parties against whom the RICO claim is asserted are individuals or entities separate from the alleged enterprise, or that such parties are the enterprise itself, or members of the enterprise; and

f. If any parties are alleged to be the enterprise itself, or members of the enterprise, explain whether such parties are perpetrators, passive instruments, or victims of the alleged racketeering activity.

7. State and describe in detail whether you are alleging that the pattern of racketeering activity and the enterprise are separate or have merged into one entity.

8. Describe the alleged relationship between the activities of the enterprise and the pattern of racketeering activity. State how the racketeering activity differs from the usual and daily

activities of the enterprise, if at all.

9. Describe what benefits, if any, the alleged enterprise receives from the alleged pattern of racketeering.

10. Describe how the activities of the enterprise affect interstate or foreign commerce.

11. If the complaint alleges a violation of 18 U.S.C. § 1962(a), provide the following information:

a. State who received the income derived from the pattern of racketeering activity or through the collection of an unlawful debt; and

b. Describe the use or investment of such income.

12. If the complaint alleges a violation of 18 U.S.C. § 1962(b), describe in detail the acquisition or maintenance of any interest in or control of the alleged enterprise.

13. If the complaint alleges a violation of 18 U.S.C. § 1962(c), provide the following information:

a. State who is employed by or associated with the enterprise.

b. State whether the same entity is both the liable "person" and the "enterprise" under §1962(c).

14. If the complaint alleges a violation of 18 U.S.C. § 1962(d), describe the details of the alleged conspiracy.

15. Describe the alleged injury to business or property.

16. Describe the direct and causal relationship between the alleged injury and the violation of the RICO statute.

17. List the damages sustained by reason of the violation of § 1962, indicating the amount for which each party is allegedly liable.

18. List all other federal causes of action, if any, and provide the relevant statute numbers.

19. List all supplemental state claims, if any.

20. Provide any additional information that you feel would be helpful to the Court in adjudicating your RICO claim.

IT IS SO ORDERED.

/s/ George C. Smith
George C. Smith, Judge
United States District Court